



Home Office

International and Immigration
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By Email :

FOI Reference: 38453

Date: 1 March 2016

Dear

Thank you for your e-mail of 6 February 2016, in which you ask for Correspondence between the US Department of Justice and Department of State, and the Home Office that relates to the United Nations Working Group on Arbitrary Detention, with regards to the Julian Assange case. Your request has been handled as a request for information under the Freedom of Information Act 2000.

The Home Office neither confirms nor denies whether it holds the information that you have requested under Section 27 of the Act. Section 27 of the 2000 Act pertains to information that would, or would be likely to, prejudice international relations between the UK and another country/territory.

Section 27 is a qualified exemption and requires the consideration of the public interest in deciding whether or not to disclose the requested information. Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in the attached **Annex A**.

This response should not be taken as conclusive evidence that the information you have requested is or is not held by the Home Office.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 38453. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team
Home Office
Fourth Floor, Peel Building
2 Marsham Street
London SW1P 4DF

e-mail: foirequests@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

Catriona Low

International and Immigration Policy Group (IIPG)

Annex A

Freedom of Information request from Hazel Press (reference 38453)

Information requested

Correspondence between the US Department of Justice and Department of State, and the Home Office that relates to the United Nations Working Group on Arbitrary Detention, with regards to the Julian Assange case.

Response

The Home Office neither confirms nor denies whether it holds the information that you have requested under section 27 of the Act.

Section 27

27 (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) relations between the United Kingdom and any other State,*
- (b) relations between the United Kingdom and any international organisation or international court,*
- (c) the interests of the United Kingdom abroad, or*
- (d) the promotion or protection by the United Kingdom of its interests abroad.*

(2) Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

(3) For the purposes of this section, any information obtained from a State, organisation or court is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State, organisation or court to expect that it will be so held.

(4) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a)–

- (a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1), or*
- (b) would involve the disclosure of any information (whether or not already recorded) which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.*

Public Interest test

Some of the provisions in the FOI Act are qualified and subject to a public interest test (PIT). This test is used to balance the public interest for and against saying whether the information requested is held or not.

The ‘public interest’ is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole in saying whether information is held or not. Transparency and the ‘right to know’ must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Considerations in favour of confirming whether or not we hold the information

The Home Office recognises that there is a general public interest in transparency and openness in Government. It is acknowledged that disclosure of any documents - where they do exist - could improve public understanding of international co-operation processes.

Considerations in favour of neither confirming nor denying whether we hold the information

Section 27

It is the duty of the Secretary of State to protect the ongoing affairs of our international partners and therefore where the release of information could prejudice relations between the UK and another state, the Home Office position is that we neither confirm nor deny the existence of such information. This is the government position in cases where there is no information as well as when such information does exist.

Balance of Public Interest

We conclude that the balance of the public interest lies in neither confirming nor denying whether we hold the information. This response should not be taken as confirmation that the information you have requested is or is not held by the Home Office.

Date: 1 March 2016